

Message

From: Henning, Gregory (SUF) [/O=COMMONWEALTH OF MASSACHUSETTS/OU=MASSMAIL-01/CN=RECIPIENTS/CN=GREGORY.HENNING]
Sent: 12/29/2009 4:23:47 PM
To: Corbett, Kate (DPH) [/O=COMMONWEALTH OF MASSACHUSETTS/OU=MASSMAIL-01/CN=RECIPIENTS/CN=KATE.CORBETT]
CC: Saunders, Della (DPH) [/O=COMMONWEALTH OF MASSACHUSETTS/OU=MASSMAIL-01/CN=RECIPIENTS/CN=DELLA.SAUNDERS]; Khan, Annie (DPH) [/O=COMMONWEALTH OF MASSACHUSETTS/OU=MASSMAIL-01/CN=RECIPIENTS/CN=ANNIE.KHAN]
Subject: Drug Questions - Trial
Attachments: [REDACTED] drug disco request.pdf

Hey guys,

Thanks for bearing with me on all of this.

A few things:

1. To answer your question: if it works to have you guys available on 1/5 in the afternoon, I can do that. I'll just put police witnesses on ahead of you and, if necessary, put ballistics/latents on before you as well. You guys have the hardest schedule by far to accomodate because of all of the running around. I will make it as easy on you as possible. I'll try to push you guys to the afternoon of 1/5 or else do it first thing in the morning on 1/6. Does that make sense?

2. Attached is a motion the defense attorney *just filed* (yes, less than a week before trial). He's a decent guy, and his client is making him go to trial, so the attorney's strategy is to "question everything." He says he's going to question you all on testing procedures, protocols, etc. Nonsense, I know, but that's what he'll try to do. As part of that, he's requesting the four items listed in the attached document.

1. I don't know if you have a "Basic Training Program for Forensic Drug Chemists." If you do, is it possible/easy to make a copy of it? I can pick it up at the lab (I have a car this week) and will provide it to the attorney. Let me know if you think this is possible. If you don't know what he's talking about, you can just say that as well...

2. Did you guys use any books/treatises/journals in the testing in this particular case? If so, he's looking for a copy. If not, just say so.

3. I told the attorney that i believed the specific tests were mentioned in the discovery packet you provided to me (signed by Annie). If you can easily email/tell me the equipment used, great. If not, just say so and I will let him know that he can ask you on the stand.

4. Error rates - are there "established error rates" for the testing you did? If you know them offhand, let me know. If you don't have that info, just say so.

Isn't this fun? Aren't defense attorneys really reasonable people?

3. Lastly, I wanted to get a chance to speak to one or more of you guys before testifying and I know it's getting close to the holiday weekend. If you'd be free sometime this afternoon or tomorrow on the phone, I can call to bother you. I'm also happy to come out to speak with you this afternoon or tomorrow (lunchtime?) if you'd prefer.

Thank you guys. I owe you beers when we finally meet in person. My office line is 617-619-4216. My cell is [REDACTED]

Best,

---greg

From: Corbett, Kate (DPH)

Sent: Tuesday, December 29, 2009 6:59 AM

To: Henning, Gregory (SUF)

Subject: RE: UPCOMING TRIAL - Com v. [REDACTED] - CC# [REDACTED] - 1/4/10 - 1/7/10

Hi Greg,

Do you know if you would need Della and I in the morning or the afternoon on 1/5? We are both scheduled to be in New Bedford Superior Court that day as well with ADA Garrett Fregault (Com v. [REDACTED]). Not sure if you and Garrett could work something out where we could testify for you both in the same day.

Thanks,

Kate Corbett
Chemist II
Drug Analysis Lab
Dept of Public Health
305 South St.
Jamaica Plain, MA 02130
phone (617) 983-6632
fax (617) 983-6625

From: Henning, Gregory (SUF)

Sent: Sunday, December 27, 2009 12:43 PM

To: quinnpa.bpd@cityofboston.gov; Ross, Michael; keaveneyj.bpd@cityofboston.gov; baileyg.bpd@cityofboston.gov; feeneyw.bpd@cityofboston.gov; petersont.bpd@cityofboston.gov; grants.bpd@cityofboston.gov; flahertyse.bpd@cityofboston.gov; charbonnierr.bpd@cityofboston.gov; Donga, William; Truta, Ioan; Brazalovich, Sharon; cainesr.bpd@cityofboston.gov

Cc: Khan, Annie (DPH); Corbett, Kate (DPH); Saunders, Della (DPH)

Subject: UPCOMING TRIAL - Com v. [REDACTED] - CC# [REDACTED] - 1/4/10 - 1/7/10

All,

This is a **REMINDER EMAIL** of the upcoming **TRIAL** of [REDACTED] scheduled for a week from Monday, on January 4, 2010. I will be in touch with each of you early this week. Please also feel free to call me if you have not yet received your summonses (they went out in early November).

The very rough, very loose estimate of the **trial schedule** is as follows:

Monday, 1/4/10 - Jury empanelment, openings, 1 to 3 police witnesses (narrative testimony about the incident)

Tuesday, 1/5/10 - Introduce the drugs through a police witness and have **DPH witnesses testify** (Annie, Kate, Della)

Wednesday, 1/6/10 - EXPERT DAY: ballistics, latent prints, narcotics expert (Donga). ***Note that some or all of the ballistics/latents/narcotics expert witnesses may be called to testify on 1/5/10 if the case goes in quickly, so please be aware of that.

Wednesday, 1/6/10 (afternoon): wrap up with police witnesses and closings.

Det. Ross and Officer Quinn: please **call me** to discuss a case prep meeting next week. My cell is [REDACTED]

Thank you all for your patience and cooperation, and let me know if you have any questions. Happy new year.

---greg

From: Henning, Gregory (SUF)

Sent: Monday, October 26, 2009 4:48 PM

To: 'quinnpa.bpd@cityofboston.gov'; 'Ross, Michael'; 'keaveneyj.bpd@cityofboston.gov'; 'baileyg.bpd@cityofboston.gov'; 'feeneyw.bpd@cityofboston.gov'; 'petersont.bpd@cityofboston.gov'; 'grants.bpd@cityofboston.gov'; 'flahertyse.bpd@cityofboston.gov'; 'charbonnierr.bpd@cityofboston.gov'; 'Donga, William'; 'Truta, Ioan'; Brazalovich, Sharon; 'cainesr.bpd@cityofboston.gov'

Cc: Khan, Annie (DPH); Corbett, Kate (DPH); Saunders, Della (DPH)

Subject: Com v. [REDACTED] - CC# [REDACTED] - TRIAL RESCHEDULED TO 1/4/10

All,

You are the witnesses on the [REDACTED] case, which was scheduled for a **November 16, 2009** trial date.

However, the defense requested a continuance today and a new trial was selected for **January 4, 2010 (thru Jan 7, 2010)**.

I am writing to let you know of this date, to ask you to "save the date," and to find out if there are any conflicts with that date as soon as possible. I let the judge know that I had not been in touch with most of you about that date and she asked that I notify you as soon as possible to see if there are any problems.

For reference, the following case numbers may help you:

FAU #: [REDACTED]

LAT#: [REDACTED]
[REDACTED]

New summonses for the **January 4, 2010** trial date will be sent this week or next. For now, please call me or email me if there is a problem with the date. My office line is 617-619-4216. My cell is [REDACTED]

Thank you in advance for your assistance.

---greg henning